

Senate Bill 146

By: Senators Mullis of the 53rd, Pearson of the 51st, Thomas of the 54th, Kemp of the 46th, Hamrick of the 30th and others

**AS PASSED**

**AN ACT**

To amend Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia Bureau of Investigation, so as to change a definition; to change the title of the director; to change certain provisions concerning authorizing the Antiterrorism Task Force to share information and work with other agencies; to amend Code Section 25-2-33 of the Official Code of Georgia Annotated, relating to release of fire loss information by insurers on request by state official, and Code Section 45-7-7 of the Official Code of Georgia Annotated, relating to compensation and allowances of certain officials not be changed without giving public notice, so as to correct the title of the director of the Georgia Bureau of Investigation; to repeal conflicting laws; and for other purposes.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

**SECTION 1.**

Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia Bureau of Investigation, is amended by striking paragraph (2) of Code Section 35-3-1, relating to definitions, and inserting in lieu thereof a new paragraph (2) to read as follows:

"(2) 'Director' means the director of the Georgia Bureau of Investigation."

**SECTION 2.**

Said chapter is further amended by striking subsection (a) of Code Section 35-3-5, relating to the director of investigation, and inserting in lieu thereof a new subsection (a) to read as follows:

"(a) There is created the position of director."

**SECTION 3.**

Said chapter is further amended by striking Code Section 35-3-7, relating to agreements by director and commissioner for provision of services and material, and inserting in lieu thereof a new Code Section 35-3-7 to read as follows:

"35-3-7.

The director and the commissioner of public safety are authorized to enter into agreements, subject to approval of the Board of Public Safety, for the provision of such services, material, or combination thereof as may be useful in the performance of the official duties of the bureau or the department."

#### **SECTION 4.**

Said chapter is further amended by striking Code Section 35-3-9.2, relating to mobile cocaine education van, and inserting in lieu thereof a new Code Section 35-3-9.2 to read as follows:

"35-3-9.2.

Reserved."

#### **SECTION 5.**

Said chapter is further amended by striking Code Section 35-3-64, relating to confidentiality of investigative reports and identity of agents, and inserting in lieu thereof a new Code Section 35-3-64 to read as follows:

"35-3-64.

All efforts shall be made to maintain the confidentiality of the investigative efforts of the Antiterrorism Task Force and the identity of agents who operate in undercover assignments. Information may, however, be shared with other law enforcement agencies when, in the sole discretion of the director, the sharing of such information would not compromise the successful completion of the investigation or cases being made."

#### **SECTION 6.**

Said chapter is further amended by striking Code Section 35-3-65, relating to authority to work with other law enforcement agencies, and inserting in lieu thereof a new Code Section 35-3-65 to read as follows:

"35-3-65.

The Antiterrorism Task Force shall be authorized to work with and seek the assistance of other law enforcement agencies when, in the sole discretion of the director, such assistance would not compromise the successful completion of the investigations or cases being made."

#### **SECTION 7.**

Code Section 25-2-33 of the Official Code of Georgia Annotated, relating to release of fire loss information by insurers on request by state official, is amended by striking subsection (a) and inserting in lieu thereof a new subsection (a) to read as follows:

"(a) The state fire marshal, any deputy designated by the state fire marshal, the director of the Georgia Bureau of Investigation or the chief of a fire department of any municipal corporation or county where a fire department is established may request any insurance company investigating a fire loss of real or personal property to release any information in its possession relative to that loss. The company shall release the information to and cooperate with any official authorized to request such information pursuant to this Code section. The information to be released shall include, but is not limited to:

- (1) Any insurance policy relevant to the fire loss under investigation and any application for such a policy;
- (2) Policy premium payment records on the policy, to the extent available;
- (3) Any history of previous claims made by the insured for fire loss with the reporting carrier; and
- (4) Material relating to the investigation of the loss, including statements of any person, proof of loss, and any other relevant evidence."

#### **SECTION 8.**

Code Section 45-7-7 of the Official Code of Georgia Annotated, relating to compensation and allowances of certain officials not be changed without giving public notice, is amended by striking subsection (b) and inserting in lieu thereof a new subsection (b) to read as follows:

"(b) Subsection (a) of this Code section shall apply to the compensation and allowances of the commissioner of community affairs, the director of the Employees' Retirement System of Georgia, the director of the State Forestry Commission, the director of the Georgia Bureau of Investigation, the executive director of the Georgia Franchise Practices Commission, the commissioner of human resources, the commissioner of economic development, the commissioner of natural resources, the commissioner of public safety, the chancellor of the University System of Georgia, the president or executive director of the Georgia Student Finance Commission, the executive director of the State Soil and Water Conservation Commission, the executive secretary-treasurer of the Teachers Retirement System of Georgia, the commissioner of transportation, and the executive director of the State Ethics Commission."

**SECTION 9.**

All laws and parts of laws in conflict with this Act are repealed.